

REMARKS

Currently, claims 1, 4-9, 12, 13, 16-27, 31-37, 39-45, 49-56, 58-61 and 64-70 remain pending, including independent claims 1, 27, 45 and 49. For example, the claims are generally directed towards a smoking article comprising a first component comprising a column of smokable filler, a second component comprising a wrapper surrounding the column of the smokable filler and a carbon monoxide reducing agent comprising a hydrated ferric oxide; a process for reducing carbon monoxide delivery in a smoking article; and a smoking article comprising a first component comprising a column of a smokable filler, a second component comprising a wrapper surrounding the column of the smokable filler and low permeability areas within the wrapper at selected locations.

In the Office Action, claims 1, 6, 16-21, 23-26, 27, 32-35, 49 and 50-56 were rejected under 35 U.S.C. § 112 as being based on a disclosure which is not enabling, and additionally under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. Applicants respectfully request reconsideration in view of the following.

Claims 1, 27 and 49 are directed towards a smoking article such as a cigarette. In fact, all of the claims that were objected to under 35 U.S.C. §112 require a column of a smokable filler and a wrapper surrounding the column. Additionally, the application specifically discloses percent-weight values for the wrapper and carbon monoxide reducing agent. As such, one of ordinary skill in the art would know how to construct a smoking article with the appropriate weight ratios in order to obtain the desired and claimed carbon monoxide reduction. Clearly, the specification provides a sufficient description and teaching for one skilled in this field to reproduce the inventions defined in the above claims. Therefore, Applicants respectfully request withdrawal of the above §112 objection.

Also in the Office Action, claims 1, 6, 16-21, 23-26, 27, 32-35, 49 and 50-56 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as invention. In particular, the Office Action states that the language in the claims regarding carbon monoxide delivery and similar ratios do not particularly point out how the smoking article is to be

modified to reach the stated goal. All of the claims, however, require the presence of a carbon monoxide reducing agent. In addition, the specification provides a proper description of incorporating the carbon monoxide reducing agent into the wrapper of the article for achieving the stated claim language. As such, Applicants submit that the claims are sufficiently definite for purposes of 35 U.S.C. §112.

In the Office Action, independent claims 1, 27 and 45 were also rejected under 35 U.S.C. §103 in view of the combination of Lewton and Heim. Independent claims 1 and 27 are directed to a smoking article that require that the carbon monoxide reducing agent, which comprises a hydrated ferric oxide, be contained in the **wrapper** surrounding the column of the smokable filler. Independent claim 45, on the other hand, is directed to a process for reducing carbon monoxide delivery in a smoking article and also requires incorporating a carbon monoxide reducing agent comprising a hydrated ferric oxide into the **wrapper** of a smoking article. In stark contrast, neither Lewton nor Heim disclose or suggest incorporating a hydrated ferric oxide into a wrapper of a smoking article. Instead, Lewton is directed to incorporating iron pigments into the tobacco. Heim, on the other hand, discloses an intimate mixture of at least two highly dispersed metal oxides or metal oxyhydrates which are incorporated into the tobacco or filter elements of the product. Thus, neither reference discloses or suggests incorporating a hydrated ferric oxide into a wrapper for a smoking article as required in claims 1, 27 and 45. Thus, even if the two references were somehow combinable as asserted in the Office Action, various elements of the claim would still remain missing. Thus, Applicants submit that claims 1, 27 and 45 patentably define over the above combination of references.

In the Office Action, independent claim 49 was rejected over Lewton in combination with Heim and further in combination with Hampel '775. Similar to claims 1 and 27, claim 49 is directed to a smoking article that requires that a carbon reducing agent comprising a hydrated ferric oxide be contained in a wrapper surrounding a column of a smokable filler. For the reasons as discussed above, Applicants submit that claim 49 also patentably defines over Lewton and Heim either alone or in combination with Hampel '775. In particular, Hampel '775 fails to cure any of the above noted deficiencies.

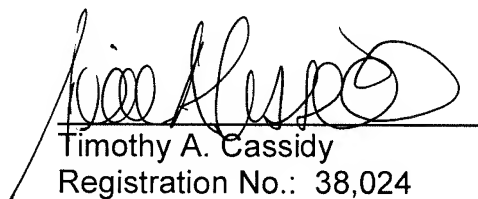
In the Office Action, dependent claims 13 and 39 were rejected under 35 U.S.C. § 103 over Lewton in view of Heim and further in view of Dixit. The Office Action states that neither Lewton nor Heim disclose adding CO controlling materials to cigarette wrapping papers. Incredibly, however, the Office Action asserts that it would have been obvious to modify Lewton and Heim in view of Dixit, since Dixit produces a paper with reduced CO upon burning by producing the paper with an additive. The additive disclosed in Dixit, however, is a non-ionic surfactant which is chemistry completely unrelated to those disclosed in Heim or Lewton. Thus, Applicants submit that one skilled in the art having common sense at the time of the invention would not have reasonably looked to combining Dixit with the other two references. There is simply no suggestion in combining Dixit with the other references except from using Applicants' invention as a template through an improper hindsight reconstruction of the claims.

In the Office Action, various other dependent claims were rejected in view of the cited prior art. Applicants submit, however, that the dependent claims further limit and define the invention and thus are also in condition for allowance. The remaining cited references in the Office Action also fail to cure any of the above noted deficiencies.

In summary, Applicants submit that the present application is in complete condition for allowance. Should any issues remain after consideration of this Response, however, then Examiner Felton is invited and encouraged to telephone the undersigned at his convenience.

Respectfully submitted,

DORITY & MANNING, P.A.


Timothy A. Cassidy
Registration No.: 38,024

February 11, 2008
Date

P. O. Box 1449
Greenville, SC 29602-1449
Phone: 864-271-1592
Facsimile: 864-233-7342